



City of Portland, Oregon
Bureau of Development Services
Land Use Services

FROM CONCEPT TO CONSTRUCTION

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Date: September 19, 2014
To: Interested Person
From: Andrew Gulizia, Land Use Services
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NOTICE OF A TYPE II DECISION ON A PROPOSAL IN YOUR NEIGHBORHOOD

The Bureau of Development Services has **approved** a proposal in your neighborhood. The reasons for the decision are included in the version located on the BDS website <http://www.portlandonline.com/bds/index.cfm?c=46429>. Click on the District Coalition then scroll to the relevant Neighborhood, and case number. If you disagree with the decision, you can appeal. Information on how to do so is included at the end of this decision.

CASE FILE NUMBER: LU 14-184898 AD

GENERAL INFORMATION

Applicant: Mike Coyle / Faster Permits
14334 NW Eagleridge Lane / Portland OR 97229

Property Owner: W. Martin Treece / Treece & Lambert LLC
2905 SW 1st Ave / Portland OR 97201

Site Address: 5262 SW Westwood View

Legal Description: BLOCK 14 LOT 18 EXC PT IN ST, TERWILLIGER HTS
Tax Account No.: R825504840
State ID No.: 1S1E16AC 03001
Quarter Section: 3528
Neighborhood: Hillsdale, contact Duane Hunting at 503-245-7998
District Coalition: Southwest Neighborhoods Inc., contact Leonard Gard at 503-823-4592
Zoning: R7 – Single-Dwelling Residential 7,000
Case Type: AD – Adjustment Review
Procedure: Type II administrative decision with appeal to the Adjustment Committee

Proposal: The applicant proposes to construct a new single-dwelling house on this site. Zoning Code Section 33.110.225.B allows 2,550 square feet of building coverage on this 7,000 square-foot lot. In order to accommodate the proposed decks (which count toward building coverage when more than 6 feet above ground), the applicant is requesting approval of an Adjustment to increase the allowable building coverage by 298 square feet, from 2,550 square feet to 2,848 square feet.

Relevant Approval Criteria: In order to be approved, this proposal must comply with the Adjustment Review approval criteria of Section 33.805.040.A-F of the Portland Zoning Code.

ANALYSIS

Site and Vicinity: The site is a 7,000 square-foot through lot with frontage on both SW Westwood View and SW Westwood Lane. The lot slopes steeply down from west to east. The applicants have applied for a building permit to construct a new single-dwelling residence on

this site (permit # 14-161537 RS). Approval of this Adjustment will allow the plans to be revised to accommodate larger decks. The surrounding neighborhood is characterized by steeply sloping lots developed with single-dwelling homes in a variety of architectural styles.

Zoning: The R7 designation is one of the City's single-dwelling residential zones, which are intended to preserve land for housing and to promote housing opportunities for individual households. The development standards work together to promote desirable residential areas by addressing aesthetically pleasing environments, safety, privacy, energy conservation, and recreational opportunities.

Land Use History: City records indicate there are no prior land use reviews for this site.

Agency Review: A "Notice of Proposal" was mailed August 25, 2014. The following Bureaus have responded with no concerns about the proposal:

- Bureau of Environmental Services;
- Water Bureau;
- Fire Bureau;
- Site Development Section of BDS; and
- Life Safety Review Section of BDS.

Neighborhood Review: One letter in opposition to the proposal was submitted in response to the mailed "Notice of Proposal." The adjacent neighbors object to the loss of green space and views that will be caused by the new construction, and state that increasing the footprint of the new home will detract from the livability and appearance of the neighborhood. (Exhibit F-1)

Staff Response: These concerns are addressed in the responses to approval criteria A and B below. Staff notes this Adjustment approval specifically benefits the deck areas shown in hash marks in Exhibit C-1 and further illustrated in Exhibits C-2 and C-3. The building coverage amount approved with this Adjustment does not allow any other building configuration without an additional Adjustment Review and public notice.

ZONING CODE APPROVAL CRITERIA

33.805.040 Approval Criteria

Adjustment requests will be approved if the applicant has demonstrated that approval criteria A through F, below, have been met.

- A.** Granting the Adjustment will equally or better meet the purpose of the regulation to be modified; and

Findings: The applicant is requesting an Adjustment to the maximum building coverage requirement. The purpose of the building coverage standard is stated in Zoning Code Section 33.110.225.A:

Purpose. *The building coverage standards, together with the height and setback standards control the overall bulk of structures. They are intended to assure that taller buildings will not have such a large footprint that their total bulk will overwhelm adjacent houses. Additionally, the standards help define the character of the different zones by limiting the amount of buildings allowed on a site.*

The Zoning Code allows outright the construction of a single-dwelling house on this lot, and a building permit application for a new house has been submitted (permit # 14-161537 RS). The building permit plans have been reviewed and found to comply with all R7 zone requirements, including setbacks, height, design standards, and building coverage. The proposed Adjustment to the building coverage limitation will allow the applicant to revise the plans with an additional 298 square feet of deck area. The bulk of the house therefore meets the building coverage requirement, and is not subject to Adjustment Review, except for the 298 square feet of additional deck area proposed.

Since the decks will be cantilevered, even though they count toward building coverage they will not increase the footprint of the house on the ground. While the proposed front entry deck will be covered, the deck areas proposed for the back (east side) of the house will be uncovered and will constitute the large majority of the proposed increase in building coverage (277 square feet out of 298 square feet total). The rear deck proposed for the second story will be approximately 17 feet wide and will project approximately 7 feet from the building wall, and the rear deck proposed for the third story will be approximately 53 feet wide and will project approximately 3.5 feet from the building wall. All of the decks which will benefit from this Adjustment will have cable railings open enough to allow light to pass through. Given the open-style railings, the fact that most of the expanded deck area will be uncovered, and the relatively small horizontal projections from the building walls, staff finds the expanded deck areas will not, in themselves, contribute substantially to the perceived bulk of the home and will not overwhelm adjacent houses.

Based on these reasons, staff finds the proposal equally meets the intent of the building coverage regulation and this criterion is met.

- B.** If in a residential zone, the proposal will not significantly detract from the livability or appearance of the residential area, or if in an OS, C, E, or I zone, the proposal will be consistent with the classifications of the adjacent streets and the desired character of the area; and

Findings: Because the site is located in a single-dwelling residential zone, the applicant must demonstrate that the proposal will not detract from the livability or appearance of the surrounding residential area. As mentioned previously, the lot is zoned to allow outright the construction of a single-dwelling house, and the pending building permit application (permit # 14-161537 RS) has been found to comply with zoning standards. Approval of this Adjustment will allow the plans to be revised with larger decks. Approval of this Adjustment will not affect livability factors such as residential density or street parking. Compared with the plans currently approved for zoning compliance with permit # 14-161537 RS, which have no cantilevered deck projections on the back of the house, the Adjustment proposal increases the visual interest and articulation for the tallest façade of the house facing SW Westwood Lane. Furthermore, as discussed above in the response to criterion A, the larger decks approved in this Adjustment Review will not substantially increase the perceived bulk of the house. For these reasons, the proposal will not result in any significant negative impacts to neighborhood livability or appearance. This criterion is met.

- C.** If more than one Adjustment is being requested, the cumulative effect of the Adjustments results in a project which is still consistent with the overall purpose of the zone; and

Findings: As only one Adjustment is being requested, this criterion is not applicable.

- D.** City-designated scenic resources and historic resources are preserved; and

Findings: City-designated scenic resources are identified on the Official Zoning Maps with a lower case "s," and historic resources are identified either with a dot or as being within the boundaries of a Historic or Conservation district. As there are no scenic or historic resource designations mapped on the subject site, this criterion is not applicable.

- E.** Any impacts resulting from the Adjustment are mitigated to the extent practical; and

Findings: As discussed in the findings for approval criterion B, the Adjustment to increase the building coverage specifically to allow larger deck areas will have no adverse impacts on the livability or appearance of the surrounding residential area. As there are no identified adverse impacts for which mitigation would be required, this criterion is not applicable.

- F.** If in an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable;

Findings: Environmental overlay zones are designated on the Official Zoning Maps with either a lowercase “p” (Environmental Protection overlay zone) or a “c” (Environmental Conservation overlay zone). As there is no environmental overlay zones mapped on the site, this criterion is not applicable.

DEVELOPMENT STANDARDS

Unless specifically required in the approval criteria listed above, this proposal does not have to meet the development standards in order to be approved during this review process. The plans submitted for a building or zoning permit must demonstrate that all development standards of Title 33 can be met, or have received an Adjustment or Modification via a land use review prior to the approval of a building or zoning permit.

CONCLUSIONS

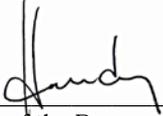
The proposal to increase the maximum building coverage to accommodate larger decks equally meets the intent of the building coverage regulations and will not have adverse impacts on the livability and appearance of the surrounding residential neighborhood. The applicant has demonstrated that the applicable approval criteria have been met. Because the approval criteria are met, the proposal should be approved.

ADMINISTRATIVE DECISION

Approval of an Adjustment to increase the maximum allowable building coverage from 2,550 square feet to 2,848 square feet for outdoor decks, per the approved plans, Exhibits C-1 through C-6, signed and dated September 17, 2014, subject to the following conditions:

- A. As part of the building permit application submittal, each of the required site plans and any additional drawings must reflect the information and design approved by this land use review as indicated in Exhibits C.1 through C-6. The sheets on which this information appears must be labeled, "Proposal and design as approved in Case File # LU 14-184898 AD."
- B. No field changes are allowed which would decrease the transparency and openness of the deck railings as illustrated in Exhibits C-2 and C-3.

Staff Planner: Andrew Gulizia

Decision rendered by:  **on September 17, 2014**
By authority of the Director of the Bureau of Development Services

Decision mailed: September 19, 2014

About this Decision. This land use decision is **not a permit** for development. Permits may be required prior to any work. Contact the Development Services Center at 503-823-7310 for information about permits.

Procedural Information. The application for this land use review was submitted on July 16, 2014, and was determined to be complete on **August 19, 2014**.

Zoning Code Section 33.700.080 states that Land Use Review applications are reviewed under the regulations in effect at the time the application was submitted, provided that the application is complete at the time of submittal, or complete within 180 days. Therefore this application was reviewed against the Zoning Code in effect on July 16, 2014.

ORS 227.178 states the City must issue a final decision on Land Use Review applications within 120-days of the application being deemed complete. The 120-day review period may be waived or extended at the request of the applicant. In this case, the applicant did not waive or

extend the 120-day review period. Unless extended by the applicant, **the 120 days will expire on: December 17, 2014.**

Some of the information contained in this report was provided by the applicant.

As required by Section 33.800.060 of the Portland Zoning Code, the burden of proof is on the applicant to show that the approval criteria are met. The Bureau of Development Services has independently reviewed the information submitted by the applicant and has included this information only where the Bureau of Development Services has determined the information satisfactorily demonstrates compliance with the applicable approval criteria. This report is the decision of the Bureau of Development Services with input from other City and public agencies.

Conditions of Approval. If approved, this project may be subject to a number of specific conditions, listed above. Compliance with the applicable conditions of approval must be documented in all related permit applications. Plans and drawings submitted during the permitting process must illustrate how applicable conditions of approval are met. Any project elements that are specifically required by conditions of approval must be shown on the plans, and labeled as such.

These conditions of approval run with the land, unless modified by future land use reviews. As used in the conditions, the term "applicant" includes the applicant for this land use review, any person undertaking development pursuant to this land use review, the proprietor of the use or development approved by this land use review, and the current owner and future owners of the property subject to this land use review.

Appealing this decision. This decision may be appealed to the Adjustment Committee, which will hold a public hearing. Appeals must be filed **by 4:30 PM on October 3, 2014**, at 1900 SW Fourth Ave. Appeals can be filed at the Development Services Center Monday through Wednesday and Fridays between 8:00 am to 3:00 pm and on Thursdays between 8:00 am to 2:00 pm. After 3:00 pm Monday through Wednesday and Fridays, and after 2:00 pm on Thursdays, appeals must be submitted at the reception desk on the 5th floor. **An appeal fee of \$250 will be charged.** The appeal fee will be refunded if the appellant prevails. There is no fee for ONI recognized organizations appealing a land use decision for property within the organization's boundaries. The vote to appeal must be in accordance with the organization's bylaws. Assistance in filing the appeal and information on fee waivers is available from BDS in the Development Services Center. Please see the appeal form for additional information.

The file and all evidence on this case are available for your review by appointment only. Please call the Request Line at our office, 1900 SW Fourth Avenue, Suite 5000, phone 503-823-7617, to schedule an appointment. I can provide some information over the phone. Copies of all information in the file can be obtained for a fee equal to the cost of services. Additional information about the City of Portland, city bureaus, and a digital copy of the Portland Zoning Code is available on the internet at www.portlandonline.com.

Attending the hearing. If this decision is appealed, a hearing will be scheduled, and you will be notified of the date and time of the hearing. The decision of the Adjustment Committee is final; any further appeal must be made to the Oregon Land Use Board of Appeals (LUBA) within 21 days of the date of mailing the decision, pursuant to ORS 197.620 and 197.830. Contact LUBA at 775 Summer St NE, Suite 330, Salem, Oregon 97301-1283, or phone 1-503-373-1265 for further information.

Failure to raise an issue by the close of the record at or following the final hearing on this case, in person or by letter, may preclude an appeal to the Land Use Board of Appeals (LUBA) on that issue. Also, if you do not raise an issue with enough specificity to give the Adjustment Committee an opportunity to respond to it, that also may preclude an appeal to LUBA on that issue.

Recording the final decision.

If this Land Use Review is approved the final decision must be recorded with the Multnomah County Recorder. A few days prior to the last day to appeal, the City will mail instructions to the applicant for recording the documents associated with their final land use decision.

- *Unless appealed*, The final decision may be recorded on or after **October 6, 2014**.
- A building or zoning permit will be issued only after the final decision is recorded.

The applicant, builder, or a representative may record the final decision as follows:

- **By Mail:** Send the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to: Multnomah County Recorder, P.O. Box 5007, Portland OR 97208. The recording fee is identified on the recording sheet. Please include a self-addressed, stamped envelope.
- **In Person:** Bring the two recording sheets (sent in separate mailing) and the final Land Use Review decision with a check made payable to the Multnomah County Recorder to the County Recorder's office located at 501 SE Hawthorne Boulevard, #158, Portland OR 97214. The recording fee is identified on the recording sheet.

For further information on recording, please call the County Recorder at 503-988-3034. For further information on your recording documents please call the Bureau of Development Services Land Use Services Division at 503-823-0625.

Expiration of this approval. An approval expires three years from the date the final decision is rendered unless a building permit has been issued, or the approved activity has begun.

Where a site has received approval for multiple developments, and a building permit is not issued for all of the approved development within three years of the date of the final decision, a new land use review will be required before a permit will be issued for the remaining development, subject to the Zoning Code in effect at that time.

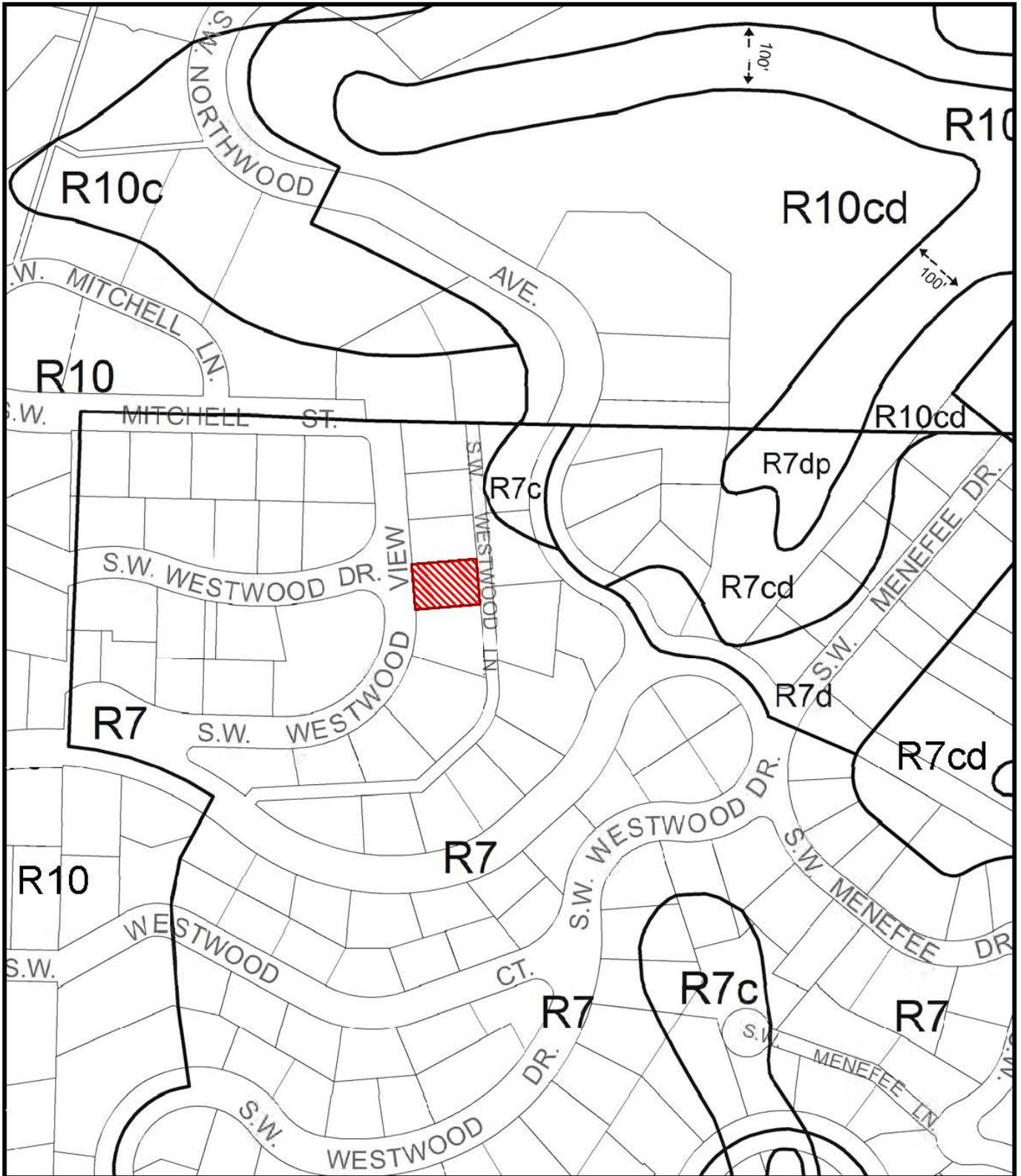
Applying for your permits. A building permit, occupancy permit, or development permit may be required before carrying out an approved project. At the time they apply for a permit, permittees must demonstrate compliance with:

- All conditions imposed herein;
- All applicable development standards, unless specifically exempted as part of this land use review;
- All requirements of the building code; and
- All provisions of the Municipal Code of the City of Portland, and all other applicable ordinances, provisions and regulations of the City.

EXHIBITS
NOT ATTACHED UNLESS INDICATED

- A. Applicant's Statement
 - 1. Approval criteria responses
 - 2. Response to incompleteness determination letter, received August 15, 2014
- B. Zoning Map (attached)
- C. Plans/Drawings:
 - 1. Site plan (attached)
 - 2. West and south building elevations (attached)
 - 3. East and north building elevations (attached)
 - 4. Floor plans (4 pages)
 - 5. Building section
 - 6. Large, scalable site plan
- D. Notification Information:
 - 1. Mailing list
 - 2. Mailed notice
- E. Agency Responses:
 - 1. Bureau of Environmental Services
 - 2. Water Bureau
 - 3. Fire Bureau
 - 4. Site Development Review Section of BDS
 - 5. Life Safety Review Section of BDS
- F. Correspondence
 - 1. Letter in opposition from Daniel Peterson representing Dr. Barry Oken and Dr. Melanie Fried-Oken, dated September 15, 2014
- G. Other:
 - 1. Original LU application form and receipt
 - 2. Incompleteness determination letter, dated July 29, 2014

The Bureau of Development Services is committed to providing equal access to information and hearings. Please notify us no less than five business days prior to the event if you need special accommodations. Call 503-823-7300 (TTY 503-823-6868).



ZONING

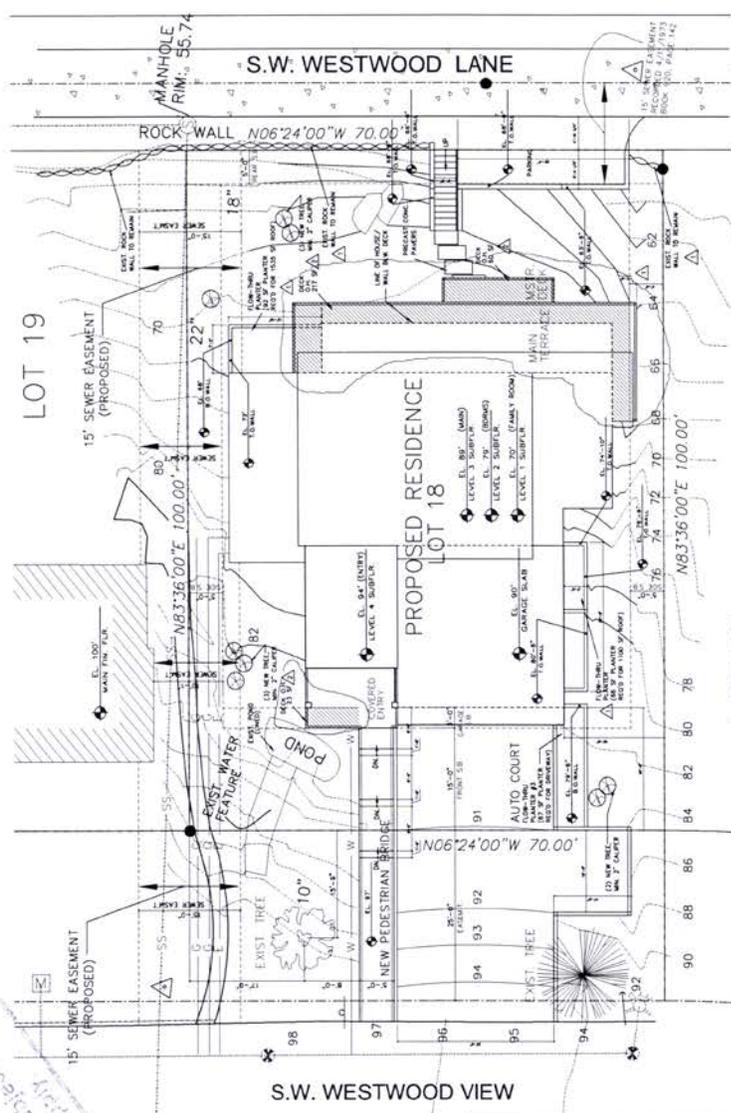


Site

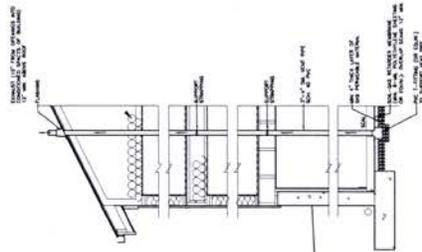


File No. LU 14-184898 AD
 1/4 Section 3528
 Scale 1 inch = 200 feet
 State_Id 1S1E16AC 3001
 Exhibit B (Jul 18, 2014)

Approved * City of Portland - Bureau of Development Services
 Date 7/17/14
 City of Portland - Bureau of Development Services
 This approval applies only to the reviews requested and is subject to all
 conditions of approval. Additional zoning requirements may apply.



1 SITE/LANDSCAPE PLAN
SCALE: 1/8" = 1'-0"



2 RADON DETAIL
N.T.S.



3 FLOW THRU PLANTER DETAIL
N.T.S.

CODE CRITERIA	
Project Description	New Construction of a 3 story home + Entry at 4th story.
Zone:	R7
Occupancy:	R-3
Setbacks:	15'-0" Front of Building 18'-0" Rear of Building 5'-0" Side Setback 5'-0" Rear Setback
Building Height:	30'-0"
Lot Coverage:	5,000 sf or more but less than 20,000 sf (Lot Size) 2,250 sf + 15.0% of lot area over 5,000 sf
Proposed	
Site Area:	7,500 sf
Living Area:	242 sf Third Level 1,685 sf Second Level 1,651 sf First Level 688 sf Total Living 4,266 sf
Garage/Mech:	623 sf
Lot Coverage:	2,550 sf Max. Allowed 2,348 sf + 300 sf of deck overhang = 2,848 sf Actual Footprint
Building Height:	29'-10.5"
ROOF:	FLATWORK:
Main House (includes bldg. footprint, porches and all associated areas)	3,004 SF Driveway 1,223 SF Lower Parking 503 SF Terraces and Porches 980 SF Total Flatwork 2,706 SF
LANDSCAPING:	UTILITIES:
Owner shall provide min. (5) new trees @ min of 2" caliper as req'd. for 7,500 SF lot.	Subcontractor to specify exact locations of utility stubs.
RADON MITIGATION:	
VENT STACK FOR RADON MITIGATION AS REQUIRED. INSTALLATION PER ONE OF THE METHODS APPROVED AND ADAPTED BY THE COUNTY WHERE THIS PROJECT IS LOCATED. SEE DETAIL 3. THIS SHEET.	

LU 14-184898 AD Exhibit C-1

SHEET: 10/22/13 DRIVE
 5/29/13
 3/25/14
 4/28/14
 1/14/14 ADJUSTMENT
 5/20/13 PROGRESS 14
 5/21/13 BEG. DMT
 5/22/13
 5/27/13
 5/28/13
 1/4" = 1'-0"
 UNO

5240 SW WESTWOOD VIEW
 PORTLAND, OREGON
 503.347.1963 email: tso@threeestudio.com

1255 NW 9th Ave., Unit 709
 Portland, OR 97209
 tso@threeestudio.com

SHEET NO. SITE PLAN
 AO.1

